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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,484	05/21/2001	Horst Grafe	HM-390PCT	5641

7590
Friedrich Kueffner
317 Madison Avenue
New York, NY 10173

03/02/2010

EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/744,484	Applicant(s) GRAFE ET AL.	
	Examiner Jason Daniel Prone	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1-24-01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In this case the abstract appears to be over the 150 word limit and incorporates the legal phraseology "said" and "means" on at least the last line.

Claim Objections

2. Claims 9-11 are objected to because of the following informalities:

Claim 9:

In claim 9 lines 11-12, the phrase "mounted on the drive carriage; a drive apparatus..." should be replaced with "mounted on the drive carriage; a transport line extending through the horizontal arms; shears; a drive apparatus..." because the shears and the line are not positively claimed.

In claim 9 line 14, the phrase "shears arranged on the" should be replaced with "the shears arranged on the".

In claim 9 lines 23-26, the phrase “wherein at least one of the holding elements on the second side of an upper of the horizontal arms comprises” should be replaced with “wherein the holding element on the second side of an upper of the horizontal arms has” because there is only one holding element on the second side of the upper arm. Then on line 36, the phrase “the at least one of the holding elements” should be replaced with “the holding element on the second side of the upper arm”.

In claim 9 lines 27-28, the phrase “the transport line while the work piece” should be replaced with “the transport line while a work piece”.

In claim 9 line 30, the phrase “clamping element arranged at the” should be replaced with “clamping element arranged adjacent the”.

Claim 10:

In claim 10 lines 11-12, the phrase “mounted on the drive carriage; a drive apparatus...” should be replaced with “mounted on the drive carriage; a transport line extending through the horizontal arms; shears; a drive apparatus...” because the transport lines and the shears are not positively claimed.

In claim 10 line 14, the phrase “shears arranged on the” should be replaced with “the shears arranged on the”.

In claim 10 lines 22-24, the phrase “wherein at least one of the holding elements on the second side of an upper of the horizontal arms” should be replaced with “wherein the holding element on the second side of an upper of the horizontal arms” because there is only one holding element on the second side of the upper arm.

In claim 10 line 27, the phrase “which coupling rods” should be replaced with “the coupling rods”.

In claim 10 lines 31-32, the phrase “the transport line while the work piece” should be replaced with “a transport line while a work piece”.

In claim 10 lines 34-36, the phrase “force means for moving the coupling rods to generate a coupling between the coupling rods and the coupling sockets” should be replaced with “a means for pivoting the coupling rods into contact with one of said coupling sockets”. Also, if applicant wishes to disclose what type of contact, add the phrase “wherein the contact between the rods and the sockets is form-fit/frictional contact” at the end of claim 10 or in a dependant claim.

Claim 11:

In claim 11 lines 11-12, the phrase "mounted on the drive carriage; a drive apparatus..." should be replaced with "mounted on the drive carriage; a transport line extending through the horizontal arms; shears; a drive apparatus..." because the shears and the transport line are not positively claimed.

Appropriate correction is required.

In claim 11 line 14, the phrase “shears arranged on the” should be replaced with “the shears arranged on the”.

In claim 11 lines 24-25, the phrase “the transport line while the work piece” should be replaced with “the transport line while a work piece”.

In claim 11 lines 28-30, the phrase “the clamping element being arranged to fold upwardly through a joint having a pivot axis that extends parallel to the transport line”

Art Unit: 3724

should be replaced with “the clamping element is configured to pivot about pivot joint, wherein the pivot axis of the pivot joint extends parallel to the transport line”.

In claim 11 lines 31-34, the phrase “force means for pivoting the clamping element between a position coupling the two horizontal frame arms and a position releasing the coupling of the two horizontal frame arms” should be replaced with “a means for pivoting the clamping element between a position wherein the clamping element couples the two horizontal arms and a position wherein the clamping element does not couple the two horizontal arms”

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claim 9 lines 15-17, the phrase “the frame having a first side adjacent the drive apparatus and a second side opposite the first side” is unclear. It is unclear if the first and second sides of the frame are the same or different sides as/from the first and second sides of the arms. It appears these sides all represent the same portions since the arms make up the frame, however, it is recommended that all references to the frame sides (lines 15-17 and 30) be replaced with the arm sides structure since the arm sides have already been disclosed.

With regards to claim 10 lines 15-17, the phrase “the frame having a first side adjacent the drive apparatus and a second side opposite the first side” is unclear. It is unclear if the first and second sides of the frame are the same or different sides as/from the first and second sides of the arms. It appears these sides all represent the same portions since the arms make up the frame, however, it is recommended that all references to the frame sides (lines 15-17 and 26-27) be replaced with the arm sides structure since the arm sides have already been disclosed.

With regards to claim 10 line 27, the phrase “rods are pivotable through recesses” is unclear. It is unclear what structure incorporates the recesses. Basically, the phrase should be replaced with “rods are pivotable through recesses in the _____”.

With regards to claim 10 lines 29-30, the phrase “or in congruent coupling sockets of the holding element” is unclear. There are 4 claimed holding elements and it is unclear which of the 4 this “holding element” is referring to.

With regards to claim 11 lines 15-17, the phrase “the frame having a first side adjacent the drive apparatus and a second side opposite the first side” is unclear. It is unclear if the first and second sides of the frame are the same or different sides as/from the first and second sides of the arms. It appears these sides all represent the same portions since the arms make up the frame, however, it is recommended that all references to the frame sides (lines 15-17 and 26-27) be replaced with the arm sides structure since the arm sides have already been disclosed.

Allowable Subject Matter

5. Claims 9-11 would be allowable if rewritten or amended to overcome the objections and the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

6. Applicant's arguments with respect to claims 9-11 have been considered but are moot in view of the new ground(s) of rejection.

It is noted that the original claims featured limitations pertaining to structure being able to be move in and out of the transport line. The claims do not feature these limitations anymore. Once the claims are corrected, applicant is invited to incorporate those limitations back into the claims or into dependent claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Daniel Prone whose telephone number is (571)272-4513. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

25 February 2010

/Jason Daniel Prone/

Primary Examiner, Art Unit 3724